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EXTRAORDINARY

PART II—Section 2

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RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 21st December, 1959:—

I

BILL No. XXII of 1959

A Bill further to amend the Cotton Transport Act, 1923.

BE it enacted by Parliament in the Tenth Year of the Republic of India as follows:—

1. This Act may be called the Cotton Transport (Amendment) *Short title.* Act, 1959.
2. For sub-section (2) of section 1 of the Cotton Transport Act, ^{Amendment of section 1.} 1923 (hereinafter referred to as the principal Act), the following sub-section shall be substituted, namely:—

“(2) It extends to the whole of India except the State of Jammu and Kashmir.”.
3. For clause (b) of sub-section (1) of section 7 of the principal ^{Amendment of section 7.} Act, the following clause shall be substituted, namely:—

“(b) the terms and conditions to be contained in licences, the authorities by which they may be granted and the fees which may be levied in respect thereof; and”.
4. (1) The Hyderabad Cotton Cultivation and Transport Act, ^{Repeals and} 1337 Fasli and any other law corresponding to the principal Act in ^{savings.} force in the territories which immediately before the 1st November, 1956, were comprised in Part B States shall, on the commencement of this Act, stand repealed.

(2) Nothing in sub-section (1) shall affect—

- (a) the previous operation of any law so repealed or anything duly done or suffered thereunder,
- (b) any right, privilege, obligation or liability acquired, accrued or incurred under any law so repealed,
- (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any law so repealed, or
- (d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed if this Act had not been passed:

Provided that anything done or any action taken under any such law shall be deemed to have been done or taken under the corresponding provision of the principal Act and shall continue to be in force accordingly, unless and until superseded by anything done or any action taken under the principal Act.

STATEMENT OF OBJECTS AND REASONS

The Cotton Transport Act, 1923, does not apply to the areas which were formerly comprised in Part 'B' States. It is desirable to amend the Act in order to make it applicable to the whole of India except the State of Jammu and Kashmir.

2. Under section 3 of the Act the State Governments are empowered to prohibit the import of cotton into certain areas in the States except under a licence. There is, however, no express provision in the Act for the levy of fees for the issue or renewal of such licences. It is, therefore, considered necessary to amend the Act for the purpose.

3. The Bill is designed to achieve the above objects.

NEW DELHI,
The 4th December, 1959.

NITYANAND KANUNGO.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 3 of the Bill seeks to amend section 7 of the Act in order to include within its ambit an express power enabling State Governments to make rules for the levy of fees for the grant of licences under this Act. The delegation of legislative power is of a normal character.

II

BILL No. XXI of 1959

A Bill further to amend the Imports and Exports (Control) Act, 1947.

Be it enacted by Parliament in the Tenth Year of the Republic of India as follows:—

1. This Act may be called the Imports and Exports (Control) Short title. Amendment Act, 1959.

2. In section 1 of the Imports and Exports (Control) Act, 1947 ^{Amendment of section 1.} (hereinafter referred to as the principal Act), in sub-section (3), for the figures "1960", the figures "1966" shall be substituted.

3. In section 2 of the principal Act, clauses (a) and (c) and the ^{Amendment of section 2.} brackets and letter "(b)" shall be omitted.

4. In section 5 of the principal Act, after the words "any order ^{Amendment of section 5.} made or deemed to have been made under this Act", the words "or any condition of a licence granted under any such order" shall be inserted.

5. In section 6 of the principal Act, for the words "a Customs-col- ^{Amendment of section 6.} lector or by an officer of Customs authorised in writing in this behalf by a Customs-collector", the words "an officer authorised in this behalf by the Central Government by general or special order" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The Imports and Exports (Control) Act, 1947, will cease to have effect on the 31st March, 1960, from which date, therefore, there will be no legislative sanction for the continuance of export and import controls.

2. The need for the Central Government to have legislative powers to control the foreign trade of the country is much greater today than ever before and is likely to continue for many years to come. It is, therefore, considered that the life of the Act should be extended, for the time being, by another six years up to the end of the Third Five Year Plan, i.e., up to the 31st March, 1966. On the export side also, it will continue to be necessary to rely on export controls to safeguard the interests of the consumer in respect of such essential items as are primarily required for home consumption.

3. The Bill seeks to continue by another six years, i.e., up to the 31st March, 1966, the powers, at present, enjoyed by the Central Government for the control and regulation of exports and imports. Advantage has been taken of this opportunity—

(a) to amend sections 2 and 6 of the Act so as to provide that complaints under section 6 may be made by any officer authorised in this behalf by the Central Government instead of only by a Customs-Collector or an officer authorised by him, as at present; and

(b) to amend section 5 of the Act so as to expressly provide that the breach of a condition of a licence is also an offence punishable under the Act.

NITYANAND KANUNGO.

NEW DELHI;

The 11th December, 1959.

S. N. MUKERJEE,

Secretary.